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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): P. Bonutti

Confirmation No. 4436

Application No.: 10/685,117

Group Art Unit: 3731

Filed: October 14, 2003

Examiner: G. Jackson

For: APPARATUS AND METHOD FOR TREATING A
FRACTURE OF A BONE

Attorney Docket No: 782-A03-009-3

TERMINAL DISCLAIMER UNDER 37 CFR § 1.321(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner, Paul D. Bianco, represents that he is one of the attorneys of record for BONUTTI IP, LLC, the assignee of the entire right, title, and interest in and to the above-identified application as evidenced by the Assignment recorded January 12, 2005 at Reel 015552, Frame 0342.

Petitioner hereby disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of U.S. Patent No. 6,238,395, issued on May 29, 2001, from application no. 09/532,942, as presently shortened by any terminal disclaimer, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent 6,238,395.

Petitioner further agrees that this agreement is to run with any patent granted on the above-identified application and is to be binding upon the grantee, its successors, and assignees.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,238,395, as presently shortened by any terminal disclaimer, in the event that any such patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title and stated above.


03/23/2005 BBOHNER 00000027 500601 10685117

Petitioner hereby confirms that he has reviewed the file for this application and, to the best of his knowledge and belief, title is in BONUTTI IP, LLC, seeking to take action in this matter and that he is empowered to act on behalf of BONUTTI IP, LLC.

A fee of \$55.00 (Small Entity) is believed to be due with this Terminal Disclaimer and a Fee Submission sheet including this fee is submitted concurrently herewith. However, please charge the required fee (or credit any overpayments of fees) to the Deposit Account of the undersigned, Account No. 500601 (Docket no. 782-A04-009-3).

Petitioner hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: March 22, 2005

By: 
Paul D. Bianco, Reg. # 43,500

Paul D. Bianco
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PAGE 12/15 * RCVD AT 3/22/2005 1:30:14 PM [Eastern Standard Time] * SVR:USPTO-EFXXF-1/1 * DNIS:87293069 * OSID:3054104489 * DURATION (mm:ss):04:14

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